

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**DAVID W. W. ADAMI and HEATHER L.  
GIGLIO, CO-ADMINISTRATORS of the  
ESTATE OF FREDERICK J. ADAMI,  
DECEASED.,**

**Plaintiffs,**

**vs.**

**COUNTY OF BUCKS, BRIAN KIRCHER,  
PATRICK ROONEY, STEVEN  
COLUMBIA, C.O. KNONEBORG,  
LANGSTON MASON, TIMOTHY RICCI,  
DAVID GRESKO, PRIMECARE  
MEDICAL, INC., ET AL.**

**Defendants.**

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**CIVIL ACTION**

**NO. 2:19-cv-02187-JS**

**DEFENDANTS COUNTY OF BUCKS, COLUMBIA, GRESKO, KIRCHER,  
KNONEBORG, MASON, RICCI AND ROONEY’S PRETRIAL MEMORANDUM**

**I. NATURE OF CLAIM AND JURISDICTION**

Plaintiffs bring a cause of action under 42 U.S.C. §1983 and allege that each individually named Bucks County correctional officer was deliberately indifferent to Adami’s serious medical needs. The Plaintiffs also bring a cause of action against the County of Bucks (“County”) under *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658 (1978). This Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331.

The Plaintiffs also bring a cause of action against PrimeCare, Inc., (“PCM”), the County’s accredited medical provider. Plaintiffs allege that PCM deviated from the medically accepted practices regarding inmates who are experiencing symptoms of withdrawal. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1367.

## **II. DEFENDANTS' COUNTER STATEMENT OF FACTS**

Adami was arrested on possession of drug paraphernalia and admitted to the Bucks County Correctional Facility ("BCCC") on January 27, 2018, at approximately 7:28 am. Adami was medically screened by Nurse Dunfee, an employee of co-defendant PCM at 10:35 a.m. Adami reported to Nurse Dunfee that he had an opioid addiction and that he used two bundles, or twenty bags of heroin, a day. Adami was placed on regular medical watch by PCM due to withdrawal from heroin.

Adami was assigned to the Cell 05 in Housing Unit A at 12:05 p.m. At 1:46 p.m., Dr. Gessner, a PrimeCare physician, prescribed medication for anxiety, nausea and stomach upset (Bentyl, Bismuth, Ondansetron, and Vistaril). On January 27, 2018, Bruce Gramiak was assigned to Cell 05 in Housing Unit A at 4:47 p.m. and became Adami's cellmate. At or about 7:01 p.m., Adami walked, without any assistance, from his cell to the medical cart to receive his medications. The PCM medical records indicate that Nurse Wright gave Bentyl, Bismuth, Ondansetron, and Vistaril to Frederick J. Adami. At approximately 7:08 p.m., Correctional Officer Rooney, along with a PCM nurse Wright, conducted rounds.

Gramiak, a former drug user, asked Nurse Wright if Adami was receiving the right medication and the nurse said that he would "check on it." At the time Gramiak spoke to the nurse, Adami was not exhibiting any signs of medical distress associated with heroin withdrawal. After speaking with the nurse, Gramiak left Adami's cell and returned to the dayroom area until 8:45 pm. When Gramiak returned to his cell, he observed Adami sleeping.

Defendant Correctional Officer Columbia, who was assigned to Module A, started his shift on January 27, 2018 at 11:06 p.m. For inmates like Adami, who were on regular medical watch, Officer Columbia was required to observe inmates every 30 minutes. Defendant Sergeant Mason was the only first shift supervisor assigned to the entire prison, including all twelve (12)

housing modules, during the hours of 10:00 p.m. and 6:00 a.m. Sergeant Mason was responsible for 800 inmates, 30 staff employees and 30 corrections staff during his shift.

According to Gramiak, somewhere near 12:00 a.m., on January 28, 2018, Adami began to use the toilet intermittently to vomit and to make bowel movements. Gramiak does not know how long Adami was using the toilet as he did not look at the clock. Officer Columbia did not observe Adami in any medical distress. Likewise, Officer Columbia would have seen Adami (if Gramiak is believed) to be experiencing normal symptoms of withdrawal. While Gramiak claims that Adami was sick, he never spoke with an officer or anyone to call medical or seek any sort of attention for Mr. Adami.

Sergeant Mason arrived on Module A at 3:10 a.m. He started to conduct a tour of Module A, but he was only able to view one to two inmates, because he was called off Module A at approximately 3:22 a.m.

Officer Columbia made and documented his tours during his shift which ended on January 28, 2018 at 5:43 a.m. At no time did Adami inform any correctional officer or medical personnel that he needed medical attention. The next morning, Defendant Correctional Officer Ricci reported to work at approximately 6:00 a.m. At 6:06 a.m., Officer Ricci conducted a tour of the Module and looked into Adami's cell from the outside and concluded and did not find observe Adami in any distress. At 6:35 a.m., Officer Ricci conducted a second tour of Module A and noticed that Adami's position on the bed had changed and Adami's body had seem contorted. Officer Ricci yelled for his partner to call for emergency medical services. At or about 6:37, additional guards and medical staff arrived and began performing CPR on Frederick J. Adami. Emergency Medical Technicians arrived and transported Frederick J. Adami to Doylestown Hospital where he was declared dead. The time of death was recorded as 7:35 a.m. An autopsy was performed following Frederick J. Adami's death. The Bucks County Coroner

concluded the cause of Frederick J. Adami's death was "Sudden Death due to Opiate Withdrawal."

### **III. WITNESSES**

The following witness may be called to testify Municipal Defendants intend to call the following witnesses during their case-in-chief.

#### **A. LIABILITY WITNESSES**

Steven Columbia  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Timothy Ricci  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Langston Mason  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Brian Kircher  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Captain James Nottingham  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Kelly Reed  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Langston Mason  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Patrick Rooney  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Anthony DiSandro  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Frank Bochenek  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

David Damsker, Health Commissioner  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Edward Sweeney  
Sweeney Corrections Consulting, LLC  
4566 Hoffman Drive  
Whitehall, PA 18052

Bucks County Detective Hanks or Designee  
Bucks County District Attorney  
100 N. Main Street, 2nd Floor  
Doylestown, PA 18901

Lillian Budd  
c/o Archer & Greiner, P.C.  
Three Logan Square, 1717 Archer Street, 35<sup>th</sup> Floor  
Philadelphia, PA 19103

Bucks County Detective Welp or Designee  
Bucks County District Attorney  
100 N. Main Street, 2nd Floor  
Doylestown, PA 18901

Employees of Defendant PrimeCare Medical, Inc.

Samantha (Dunfee) Grous

Gabrielle Trusty

Thomas Weber

Todd Haskins

Aron Wright

Victoria Gessner, M.D.

**B. DAMAGES**

Marc Weinstein, Registered Forensic Economist  
TEAM ECONOMICS  
524 Edgewood Drive  
Lafayette Hill, PA 19444

**IV. EXHIBITS**

County	1	Bench Warrant	Bucks-Adami-000001
County	2	SIU Report	Bucks-Adami-000003
County	3	SIU Supplemental Report	Bucks-Adami-000005
County	4	Handwritten Note from Cellmate	Bucks-Adami-000007
County	5	Photos of Scene and Cell	Bucks-Adami-000010
County	6	Coroner's Report	Bucks-Adami-000026
County	7	Doylestown Hospital Records	Bucks-Adami-000039
County	8	Activity Log Report 1/27/2018 to 1/28/2018	Bucks-Adami-000073
County	9	BCCF A MOD Log Book	Bucks-Adami-000119
County	10	Photograph of Module	Bucks-Adami-000130
County	11	Event Summary Report	Bucks-Adami-000133
County	12	Section: B-4.40 Reception Unit — Admission and Discharge Procedures	Bucks-Adami-000473
County	13	Section: B-3.13 Reception Unit Officer	Bucks-Adami-000483
County	14	Section: B-4.29 Inmate Work Programs	Bucks-Adami-000491
County	15	Section: B-4.60 Watch and Observation Procedures	Bucks-Adami-000508
County	16	Accreditation Letter from National Commission on Correctional Health Care 2016	Bucks-Adami-000922
County	17	The Accreditation Committee of the National Commission on Correctional Health Care 2017	Bucks-Adami-000927

County	18	Accreditation Update Report (Health Care Services- Bucks County Correctional Facility) 2017	Bucks-Adami-000963
County	19	Bucks County Department of Corrections Train.11/13/17 to 1/4/18	Bucks-Adami-000979
County	20	2017 In-Service Non-Security Personnel Training	Bucks-Adami-000986
County	21	2017 In-Service Training	Bucks-Adami-000987
County	22	2018 In-Service Training	Bucks-Adami-000989
County	23	Bucks County PA Department of Corrections 2018 Inspection Report	Bucks-Adami-000998
County	24	Bucks County Department of Corrections 2017 Inspection Report	Bucks-Adami-001014
County	25	Bucks County Department of Corrections Training Academy November 13, 2017 - January 4, 2018	Bucks-Adami-001034
County	26	Bucks County Department of Corrections Training Academy November 13, 2017 - January 4, 2018	Bucks-Adami-001040
County	27	Bucks County Department of Corrections 2019 Inspection Report	Bucks-Adami-001047
County	28	DDAP Informational Bulletin	Bucks-Adami-001331
County	29	DDAP Informational Bulletin	Bucks-Adami-001336
County	30	DDAP Informational Bulletin	Bucks-Adami-001340
County	31	Pennsylvania DOC to Pilot Injectable Buprenorphine for Detoxing Prisoners – Filter	Bucks-Adami-001350
County	32	DDAP Informational Bulletin	Bucks-Adami-001385
County	33	Detox / Withdraw	Bucks-Adami-001396
County	34	PrimeCare BKS Detox withdrawal summary 12-8-17	Bucks-Adami-001397
County	35	DDAP Informational Bulletin	Bucks-Adami-001398
County	36	Information Bulletin Pregnant and Parenting Women.pdf	Bucks-Adami-001401
County	37	Opioid Use Disorder Treatment In County Correctional Facilities Training	Bucks-Adami-001469
County	38	PCM Policy Medically Supervised Withdrawal and Treatment	Bucks-Adami-00141
County	39	Jail-Based-MAT-PPG October 2018	Bucks-Adami-001425
County	40	Detox and Addiction Treatment	Bucks-Adami-001477
County	41	PrimeCare Client Alert Detox And Addiction Treatment 2019	Bucks-Adami-001478
County	42	Officer Columbia Log Entries	Bucks-Adami-001524

County	43	Sergeant Mason DAR	Bucks-Adami-001525
County	44	Video Clip 8.27.2018 19:08	Bucks-Adami-000118-19.08.0-19.09.23.m4v
County	45	Transcription of Audio Call Gramiak	Gramiak P-22
County	46	PrimeCare Medical Records.PDF	P000001
County	47	Adami's 2017 1099.PDF	P000207
County	48	Wage documents from Vytex - Five Star Energy F. Adami	P000209
County	49	Cell Photographs	P000335
County	50	Cell Photographs	P000338
County	51	Cell Photographs	P000341
County	52	County Detective Report	P000433
County	54	PCM Report and Records of Adami Incident	PCM00283
County	55	PCM Policies	PCM00324
County	56	PCM Detox Tapers Protocols	PCM01403
County	57	PCM Orientation Manual	PCM01405
County	58	PCM Policy Health Training for Correctional Officers	PCM03503
County	59	PCM Policy Inmate-Patient Workers	PCM03506
County	60	Booking Officer Training	PCM03536
County	61	Philadelphia Prison Records 1-23	PhilaPrisons 001-0023
County	62	Photograph of Adami at 19:01	
County	63	C.V. of Edward Sweeney	
County	64	Expert Report of Edward Sweeney	
County	65	C.V. of Marc Weinstein	
County	66	Expert Report of Marc Weinstein	

**V. Anticipated Length of Trial**

Defendants anticipate trial will last 5 to 7 days.



Defendants reserve the right to call any other witnesses and/or use any exhibit identified on any other party's exhibit list during their case-in-chief.

**VI. Special Issues**

- A. The negligence theory against PrimeCare Medical (violation of standard of care) cannot be applied to the County as there is no Constitutional right to a certain medications, such as methadone or suboxone, to treat withdrawal symptoms. *Taylor v. Barkes*, 575 U.S. 822, 826 (2015); *Norris v. Frame*, 585 F.2d 1183, 1188 (3d Cir. 1978) (holding there is no constitutional right to methadone and the County is under no duty to provide it).
- B. Plaintiffs' have prematurely and improperly designated the deposition of non-party Bruce Gramiak. Defendants object to the use of Bruce Gramiak's deposition as Plaintiffs have failed to demonstrate that Mr. Gramiak is unavailable to testify at the time of trial.
- C. The County Defendants join PrimeCare Medical, Inc.'s Motion in Limine to Preclude Plaintiffs from Introducing any Evidence or Testimony Concerning other Lawsuits and other alleged Patient-Specific Opioid Deaths.
- D. The Defendant Correction Officers' Motion for Summary Judgment seeks judgment in favor of each Officer under the qualified immunity doctrine. In the event that summary judgment is not granted in favor of all Officers, the remaining Officer(s) will seek an immediate appeal. If the County is not dismissed on summary judgment, and an appeal is filed on behalf of any Correction Officer, the County will seek a stay of the entire case pending resolution of the appeal in the Third Circuit.
- E. Punitive Damages are not available against the County. *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981).

Respectfully submitted,

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Counsel for Defendants County of Bucks,

Columbia, Gresko, Kircher, Knoneborg,

Mason, Ricci and Rooney

Dated: March 4, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants County of Bucks, Kircher, Rooney, Columbia, Knoneborg, Mason, Ricci and Gresko's Pretrial Memorandum was electronically filed with the Clerk of Court on March 4, 2022, using the CM/ECF system, and is available for viewing and downloading through the ECF system by all counsel of record.

Respectfully submitted,

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